

EXHIBIT B

From: Branch, Aria C. (WDC)
Sent: Monday, June 29, 2015 2:45 PM
To: McKnight, Katherine L.
Cc: Hamilton, Kevin J. (SEA); Spiva, Bruce V. (WDC); Spear, Ryan M. (SEA); Braden, E. Mark; Tony F. Troy (TTroy@eckertseamans.com); DGlass@eckertseamans.com; jbrundage@eckertseamans.com; Raile, Richard; Stafford, Ben (SEA); Walrath, Jennifer M.
Subject: Re: Bethune-Hill, et al. v. Virginia State Board of Elections, et al: Plaintiffs' Discovery Designations

Hi Kate,

Yes, thanks. That is an agreeable solution to us. Could you please send us a copy of the document prior to filing?

Thanks,
Aria

Aria C. Branch

On Jun 29, 2015, at 4:26 PM, "McKnight, Katherine L." <kmcknight@bakerlaw.com> wrote:

Dear Aria,

Thank you for your e-mail.

On the additional designations in the Tyler deposition identified below, Defendant-Intervenors have no objections.

On the objection Plaintiffs filed on Friday related to the designations in the Marston deposition, the Initial Pretrial, Scheduling, and Discovery Order indicates that today is the deadline for the parties to meet and confer regarding objections to discovery designations. Defendant-Intervenors maintain that the appropriate time for Plaintiffs to seek materials related to the legal advice raised in the Marston designation at issue was at the time of the deposition or when discovery still was open in this case. That said, in the spirit of compromise and economy, and without waiving any of Defendant-Intervenors' rights, we propose that Defendant-Intervenors withdraw the portion of the designation at issue from 47:16 through 48:15 in exchange for Plaintiffs withdrawing their objection.

Please let us know if Plaintiffs are agreeable to this proposal. If so, we can draft a simple filing to resolve this issue with the Court.

Kind regards,

Kate

Katherine L. McKnight[\[bakerlaw.com\]](http://bakerlaw.com) | **BakerHostetler**[\[bakerlaw.com\]](http://bakerlaw.com)
Washington Square | 1050 Connecticut Avenue, N.W., Suite 1100 | Washington, D.C. 20036-5304
T 202.861.1618 | F 202.861.1783
kmcknight@bakerlaw.com

From: Branch, Aria C. (Perkins Coie) [<mailto:ABranch@perkinscoie.com>]
Sent: Sunday, June 28, 2015 7:59 PM
To: McKnight, Katherine L.
Cc: Hamilton, Kevin J. (Perkins Coie); Spiva, Bruce V. (Perkins Coie); Spear, Ryan M. (Perkins Coie); Braden, E.

Mark; Tony F. Troy (TTroy@eckertseamans.com); DGlass@eckertseamans.com; jbrundage@eckertseamans.com; Raile, Richard; Stafford, William B. (Ben) (Perkins Coie); Walrath, Jennifer M.

Subject: RE: Bethune-Hill, et al. v. Virginia State Board of Elections, et al: Plaintiffs' Discovery Designations

Kate,

This email is to follow up on Intervenor's request to identify the new designations Plaintiffs propose from Del. Tyler's deposition. Below are the page and line numbers of Plaintiffs' new designations.

Page 22, line 25
Page 23, lines 1-7
Page 26, lines 3-7
Page 42, lines 12-21
Page 57, lines 2-8
Page 62, lines 3-10
Page 63, lines 1-15
Page 67, lines 2-15
Page 68, lines 4-22
Page 69, lines 1-11
Page 70, lines 16-25
Page 71, lines 1-15
Page 76, lines 11-17
Page 86, lines 2-3
Page 87, lines 1-25
Page 88, lines 1-8

Please let us know if Defendant-Intervenor has any objections.

Thanks,
Aria

Aria Branch | Perkins Coie LLP

ASSOCIATE

700 Thirteenth Street, N.W. Suite 600

Washington, DC 20005-3960

D. +1.202.654.6338

F. +1.202.654.9996

E. ABranch@perkinscoie.com

From: McKnight, Katherine L. [<mailto:kmcknight@bakerlaw.com>]

Sent: Friday, June 26, 2015 3:26 PM

To: Branch, Aria C. (Perkins Coie)

Cc: Hamilton, Kevin J. (Perkins Coie); Spiva, Bruce V. (Perkins Coie); Spear, Ryan M. (Perkins Coie); Braden, E. Mark; Tony F. Troy (TTroy@eckertseamans.com); DGlass@eckertseamans.com; jbrundage@eckertseamans.com; Raile, Richard; Stafford, William B. (Ben) (Perkins Coie); Walrath, Jennifer M.

Subject: RE: Bethune-Hill, et al. v. Virginia State Board of Elections, et al: Plaintiffs' Discovery Designations

Dear Aria,

It was nice speaking with you. We received your second e-mail sent at roughly 2:40pm, but not the first. Though we discussed this on the phone, for a clear record, here are our responses.

Regarding your objection to the Marston testimony, we will not withdraw that designation. Moreover, and particularly in light of the fact that no inquiries were made at the time of the deposition about the legal advice

at issue, we do not think it is appropriate now to produce the documents and communications containing that advice of counsel.

Regarding the new and additional designations made for the purpose of context, could you identify (either with a different color highlighting or by page and line) the new designations you propose? We cannot readily identify the new designations as all of Plaintiffs' designations are now highlighted in yellow. On these new designations, considering today's deadline, we reserve the right to object to these new designations until after we have had an opportunity to review them and meet and confer with you.

Thanks very much,

Kate

Katherine L. McKnight[\[bakerlaw.com\]](mailto:kmcknight@bakerlaw.com) | **BakerHostetler**[\[bakerlaw.com\]](mailto:BakerHostetler@bakerlaw.com)
Washington Square | 1050 Connecticut Avenue, N.W., Suite 1100 | Washington, D.C. 20036-5304
T 202.861.1618 | F 202.861.1783
kmcknight@bakerlaw.com

From: Branch, Aria C. (Perkins Coie) [\[mailto:ABranch@perkinscoie.com\]](mailto:ABranch@perkinscoie.com)
Sent: Friday, June 26, 2015 2:39 PM
To: Walrath, Jennifer M.
Cc: Hamilton, Kevin J. (Perkins Coie); Spiva, Bruce V. (Perkins Coie); Spear, Ryan M. (Perkins Coie); Braden, E. Mark; McKnight, Katherine L.; Tony F. Troy (TTroy@eckertseamans.com); DGlass@eckertseamans.com; jbrundage@eckertseamans.com; Raile, Richard; Stafford, William B. (Ben) (Perkins Coie)
Subject: RE: Bethune-Hill, et al. v. Virginia State Board of Elections, et al: Plaintiffs' Discovery Designations

Resending the email below in case the attachments did not go through because the file sizes were too big. Thanks.

Aria Branch | Perkins Coie LLP
ASSOCIATE
700 Thirteenth Street, N.W. Suite 600
Washington, DC 20005-3960
D. +1.202.654.6338
F. +1.202.654.9996
E. ABranch@perkinscoie.com

From: Branch, Aria C. (Perkins Coie)
Sent: Friday, June 26, 2015 1:42 PM
To: 'Walrath, Jennifer M.'
Cc: Hamilton, Kevin J. (Perkins Coie); Spiva, Bruce V. (Perkins Coie); Spear, Ryan M. (Perkins Coie); 'Braden, E. Mark'; 'McKnight, Katherine L.'; 'Tony F. Troy' (TTroy@eckertseamans.com); DGlass@eckertseamans.com; jbrundage@eckertseamans.com; 'Raile, Richard'; Stafford, William B. (Ben) (Perkins Coie)
Subject: RE: Bethune-Hill, et al. v. Virginia State Board of Elections, et al: Plaintiffs' Discovery Designations

Jennifer,

We have reviewed Defendant-Intervenors' additional designations to the Tyler and Marston depositions.

Plaintiffs have highlighted in yellow additional designations in the Tyler deposition to put Defendant-Intervenors' designations in context. Please review the attached and let us know if these additional designations are agreeable.

Additionally, Plaintiffs are planning to object to Defendant-Intervenors' designation on page 47, line 15 through page 48, line 15 of the Marston deposition unless Defendant-Intervenors are willing to produce the documents and communications containing advice of counsel (regarding retrogression) that Mr. Marston references in that section. However, if Defendant-Intervenors withdraw the designation at issue, Plaintiffs will not assert any objection.

Please let us know your thoughts as soon as possible as objections to designations are due today.

Thanks,
Aria

Aria Branch | Perkins Coie LLP

ASSOCIATE

700 Thirteenth Street, N.W. Suite 600
Washington, DC 20005-3960
D. +1.202.654.6338
F. +1.202.654.9996
E. ABranch@perkinscoie.com

From: Walrath, Jennifer M. [<mailto:jwalrath@bakerlaw.com>]

Sent: Tuesday, June 23, 2015 3:54 PM

To: Branch, Aria C. (Perkins Coie)

Cc: Hamilton, Kevin J. (Perkins Coie); Spiva, Bruce V. (Perkins Coie); Spear, Ryan M. (Perkins Coie); Braden, E. Mark; McKnight, Katherine L.; Tony F. Troy (TTroy@eckertseamans.com); DGlass@eckertseamans.com; jbrundage@eckertseamans.com; Raile, Richard; Stafford, William B. (Ben) (Perkins Coie)

Subject: RE: Bethune-Hill, et al. v. Virginia State Board of Elections, et al: Plaintiffs' Discovery Designations

Aria,

Attached please find Defendant-Intervenors' additional designations. For convenience, we have highlighted your designations in yellow and our designations in blue.

Additionally, we note that we are in the process of preparing errata for Mr. Marston's deposition. We do not yet know whether they will impact any of the designated portions. The errata sheet will be submitted to the court reporter by or before this Friday, June 26.

Best,
Jennifer

Jennifer Walrath [[bakerlaw.com](mailto:jwalrath@bakerlaw.com)] | BakerHostetler [bakerlaw.com]

Washington Square | 1050 Connecticut Avenue, N.W., Suite 1100 | Washington, D.C. 20036-5304
T 202.861.1702 | F 202.861.1783
jwalrath@bakerlaw.com

From: Branch, Aria C. (Perkins Coie) [<mailto:ABranch@perkinscoie.com>]

Sent: Tuesday, June 16, 2015 7:25 PM

To: Walrath, Jennifer M.

Cc: Hamilton, Kevin J. (Perkins Coie); Spiva, Bruce V. (Perkins Coie); Spear, Ryan M. (Perkins Coie); Braden, E. Mark; McKnight, Katherine L.; Tony F. Troy (TTroy@eckertseamans.com); DGlass@eckertseamans.com; jbrundage@eckertseamans.com; Raile, Richard; Stafford, William B. (Ben) (Perkins Coie)

Subject: Bethune-Hill, et al. v. Virginia State Board of Elections, et al: Plaintiffs' Discovery Designations

Dear Counsel:

Please find attached the discovery materials Plaintiffs intend to offer at trial. Please let us know if there are any additional designations you need.

Thanks,
Aria

Aria Branch | Perkins Coie LLP

ASSOCIATE

700 Thirteenth Street, N.W. Suite 600

Washington, DC 20005-3960

D. +1.202.654.6338

F. +1.202.654.9996

E. ABranch@perkinscoie.com

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